REMARKS

This application has been carefully reviewed in light of the final Office

Action dated April 5, 2006. Claims 1, 3 to 5, 7 to 9, 11 to 13, 15 to 17, 19 to 21, 23 and 24

remain pending in the application, with Claims 2, 6, 10, 14, 18 and 22 having been

cancelled. Claims 1, 5, 9, 13, 17 and 21 are the independent claims herein.

Reconsideration and further examination are respectfully requested.

Claims 1 to 24 have been rejected under 35 U.S.C. § 103(a) over U.S.

Patent No. 5,796,633 (Burgess) in view of U.S. Patent No. 6,101,500 (Lau) and further in

view of U.S. Patent No. 5,717,604 (Wiggins). Reconsideration and withdrawal of the

rejections are respectfully requested.

The present invention concerns distinguishing a license management server

computer on a display screen from computers that do not have the a license server function.

According to the invention, a data processing apparatus discriminates at least one computer

that has a server function from among a plurality of computers displayed on a display

screen. The data processing apparatus then discriminates, from the at least one computer

discriminated as having the server function, a license management server computer that is

used by a data processing apparatus and that has a license server function for issuing a

predetermined license to at least the data processing apparatus. The display is the

controlled to display as a visual symbol the license management server computer such that

it can be distinguished from other computers that do not have the license server function.

Referring specifically to the claims, amended independent Claim 1 is A data

processing apparatus that communicates data through a network to each of a plurality of

computers and a plurality of peripheral devices connected to the network, comprising

display means for displaying the plurality of computers and the plurality of peripheral

- 13 -

devices as symbol information, respectively, on a display screen, first discriminating means for discriminating, from the plurality of computers, at least one computer that has a server function, second discriminating means for discriminating, from the at least one computer discriminated by the first discriminating means, a license management server computer that is used by the data processing apparatus and has a license server function for issuing a predetermined license to the data processing apparatus, and first control means for controlling the display means to display as a visual symbol the license management server computer discriminated by the second discriminating means such that the license management server computer may be distinguished from computers that do not have the license server function.

Amended independent Claims 5 is an apparatus that includes features substantially corresponding to Claim 1, while Claims 9 and 13 are method claims that substantially correspond to Claims 1 and 5, respectively, and Claims 17 and 21 are computer medium claims that substantially correspond to Claims 1 and 5, respectively.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1, 5, 9, 13, 17 and 21, and in particular, is not seen to disclose or to suggest at least the feature of a data processing apparatus performing a first discriminating step of discriminating, from a plurality of computers, at least one computer that has a server function, and a second discriminating step of discriminating, from the at least one computer discriminated in the first discriminating step, a license management server computer that is used by the data processing apparatus and has a license server function for issuing a predetermined license to at least the data processing apparatus, and then controlling a display means to display as a visual symbol the license

management server computer such that the license management server computer may be distinguished from computers that do not have the license server function.

Burgess is merely seen to disclose a system for monitoring the performance of computers and to provide alerts when the performance reaches an alertable level. The Office Action admits that Burgess fails to disclose discriminating a license management server computer as claimed. Thus, since Burgess does not discriminate the license server computer, it also cannot control a display, as claimed, so that the license server management computer can be distinguished from other computers that do not have a license server function.

Lau is not seen to make up for the deficiencies of Burgess. In this regard, Lau is merely seen to disclose determining a position of an object within a hierarchical structure. Objects can be flagged on a display so as to indicate the object's level in the hierarchy. Thus, while Lau may distinguish one object from another on display in accordance with its hierarchy, Lau, like Burgess, simply fails to discriminate a license server management computer from at least one computer discriminated as having a server function, much less controlling the display to distinguish the license management server computer from computers that do not have a license sever function. Thus, Lau simply fails to teach anything that, when combined with Burgess, makes up for Burgess' deficiencies.

Wiggins is also not seen to aid Burgess and/or Lau. Specifically, Wiggins is merely seen to disclose that, if a computer tries to obtain a license from a licensor computer and a license does not exist, the computer is connected to another licensor server to attempt to obtain a license. If there are no available licenses, a message to this effect is displayed. Thus, like Burgess and Lau, Wiggins also fails to discriminate a license management server computer from at least one computer discriminated as having a server function, and then

- 15 -

controlling a display to display the license management server computer as a visual symbol such that the license management server computer can be distinguished from computers that do not have a license server function. Therefore, the proposed three-way combination of Burgess, Lau and Wiggins, simply fails to teach the features of a data processing apparatus performing a first discriminating step of discriminating, from a plurality of computers, at least one computer that has a server function, and a second discriminating step of discriminating, from the at least one computer discriminated in the first discriminating step, a license management server computer that is used by the data processing apparatus and has a license server function for issuing a predetermined license to at least the data processing apparatus, and then controlling a display means to display as a visual symbol the license management server computer such that the license management server computer may be distinguished from computers that do not have the license server function.

In view of the foregoing deficiencies of the applied art, amended independent Claims 1, 5, 9, 13, 17 and 21, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

REQUEST FOR EXAMINER INTERVIEW

In the event that the Examiner finds the application is not yet in condition for allowance, he is respectfully requested to contact Applicants' undersigned representative prior to issuance of the next action on the merits to schedule an interview.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

Edward A. Kmett
Attorney for Applicant
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

CA_MAIN 115986v1